

RESOLUTION NO.: 2016-50

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, URGING GOVERNOR RICK SCOTT AND THE FLORIDA LEGISLATURE TO APPROPRIATE ADDITIONAL FUNDS NECESSARY TO COMBAT VIOLATIONS OF THE FLORIDA CONDOMINIUM ACT, EXPAND THE NUMBER OF BRANCH OFFICES FOR THE OMBUDSMAN STATEWIDE, AND INCREASE THE AVAILABILITY OF EDUCATION AND TRAINING PROGRAMS; IN THE ALTERNATIVE, TO APPROPRIATE THE NECESSARY FUNDING TO ENABLE LOCAL LAW ENFORCEMENT AGENCIES TO INVESTIGATE COMPLAINTS FOR THE PURPOSE OF ASSISTING THE DIVISION OF CONDOMINIUMS IN ENFORCING VIOLATIONS OF THE CONDOMINIUM ACT AND PROVIDE GREATER PROTECTION OF THE RIGHTS OF CONDOMINIUM OWNERS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS STATED HEREIN.

WHEREAS, the Florida Condominium Act (the "Act") grants the Division of Florida Condominiums, Timeshares and Mobiles Homes (the "Division") the power to enforce and ensure compliance with the provisions of the Act and regulations related to the development, construction, sale, lease, ownership, operation and management of residential condominium units; and

WHEREAS, the Act also provides for an ombudsman with powers and duties among which are to act as a liaison between the Division, owners, boards of directors, association managers, to help assist owners, board of directors, and association managers understand their rights and responsibilities under the Act, and assist with the resolution of disputes between unit owners and the association or other unit owners even when the dispute is not within the jurisdiction of the Division to resolve; and

WHEREAS, thirty-eight percent of the 1.6 million condominiums in Florida are in Miami-Dade and Broward Counties and due the recent local boom in the real estate market, this number is expected to increase;

WHEREAS, the number of complaints of violations by unit owners for violations related to the operation and management of condominium property by developers and associations alike is overwhelming;

WHEREAS, without adequate funding for the Division to effectively and expediently exercise its powers and duties under the Act to investigate complaints and enforce the obligations imposed on developers and condominium associations, unit owners in less prosperous communities bear the burden of protecting their rights;

WHEREAS, mismanagement and fraud in the operation and management of condominiums leads to the decline of building improvements and common elements negatively impacting the quality of life of the owners and our community;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

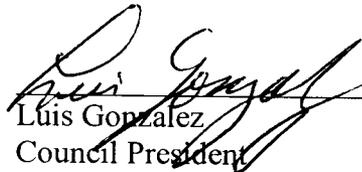
Section 1. The foregoing facts and recitations contained in the preamble of this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Mayor and the City Council of the City of Hialeah, Florida urge Governor Rick Scott and the Florida Legislature to appropriate additional funds necessary to combat violations of the Florida Condominium Act, expand the number of branch offices for the Ombudsmen statewide, and increase the availability of education and training programs or in the alternative, appropriate the necessary funding to enable local law enforcement agencies to investigate complaints for the purpose of assisting the Division of Condominiums in enforcing violations of the Florida Condominium Act and provide greater protection of the rights of condominium owners.

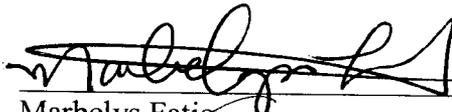
Section 3. The City Clerk is hereby directed to transmit a copy of this Resolution to Governor Rick Scott and the following members of the Florida Legislature: Representative Bryan Avila, Representative Manny Diaz, Jr., Senator Rene Garcia, and Representative José Oliva.

Section 4. This Resolution shall become effective immediately upon its adoption.

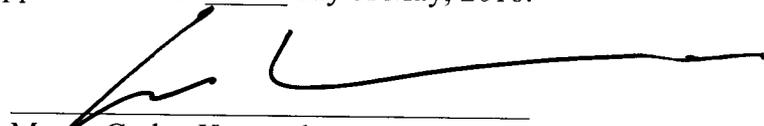
PASSED AND ADOPTED this 24 day of May, 2016.


Luis Gonzalez
Council President

Attest:


Marbelys Fatjo
City Clerk

Approved on the _____ day of May, 2016.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Resolution was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".